



Kenneth G. Feng, **Chairman**
A. V. Maddra, **Vice Chairman**
Richard A. Sparks, Jr., Secretary
Kim S. Downing
Jorge G. Lozano
Alexander Vogel, Esq.
Thomas A. Wilkins

COMMONWEALTH of VIRGINIA

Board of Juvenile Justice

P. O. Box 1110
Richmond, Virginia 23218-1110
(804) 371-0704

**Culpeper Juvenile Correctional Center
Culpeper, Virginia
Board of Juvenile Justice Meeting
September 11, 2002**

Present: Kim S. Downing
Kenneth Feng
A. V. Maddra
Richard Sparks
Tom Wilkins

Absent: Jorge Lozano
Alex Vogel

I. CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Chairman Wilkins.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Maddra, seconded by Mr. Sparks, the Board approved the Agenda for the September 11, 2002, meeting with the addition of the review of the Prince William Girls' Home under the Non-Secure Committee Reports as requested by Mr. Feng. Motion carried.

III. INTRODUCTIONS

Mr. Jones welcomed and introduced Kim S. Downing as a new Board appointee from Virginia Beach. She has a social work background and experience in detention. Ms. Downing will take the place of Mr. Wasowicz on the Non-Secure Committee.

IV. APPROVAL OF MINUTES

On MOTION duly made by Mr. Maddra, seconded by Mr. Feng, the Board approved the Minutes for the July 10, 2002, meeting. Motion carried.

V. COMMENTS OF PUBLIC

No comments were made.

VI. COMMITTEE REPORTS

A. Non-Secure Services Committee

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify the following programs for three years – 15th District Court Service Unit and Argus House. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify the 2th District Court Service Unit for three years with a letter of congratulations for 100% compliance along with comments regarding the outstanding recordkeeping at that location. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify the Oasis House for three years, reduce the capacity to 10, and approve variances to 22VAC 41-20-380.C and 380.E. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to amend the minimum age at the Prince William Girls' Home from 14 to 13 years of age. Motion carried.

B. Secure Services Committee

On MOTION duly made by Mr. Maddra, seconded by Mr. Feng, to certify Hanover Juvenile Correctional Center for three years. Motion carried. Mr. Maddra asked Mr. Ken Bailey to send a letter to Ms. Havens, Superintendent of Hanover, to tell her how proud the Board is of her and to give her some words of encouragement for putting things on the right path. Mr. Bailey said that in the history of certification audits of Hanover, this one was the best ever going back to 1973. He said DJJ was very proud of such an accomplishment. Ms. Havens was in attendance to receive congratulations and thanks for her work.

On MOTION duly made by Mr. Maddra, seconded by Mr. Feng, to grant a variance to 6VAC 35-140-73 3.a. for all secure custody facilities (juvenile correctional centers and detention homes) to allow legal mail to be opened and searched for contraband by staff in the presence of the recipient. The certification analysts are to review all changed procedures to ensure that the confidentiality of

privileged mail is protected. Messrs. Jones and Murray discussed the rationale for the variance. Mr. Muse advised that this change is legal and would not create a problem. He also discussed its inclusion in the procedures. Mr. Carignan will include the change in DJJ's procedures because it will impact all facilities in the state. Mr. Muse said that DOC had been doing such a practice for years. Discussion was held regarding technological advances, possible violation of attorney/client privilege rights, and anti-terrorist concerns. Mr. Bailey responded to Mr. Sparks' concern in that the practice would be part of the monitoring visits to make sure that privileged mail is protected. Motion carried.

VII. OTHER BUSINESS

A. Draft Policies for Board Consideration

Mr. Don Carignan discussed the reason behind the review of Board policies. He identified a number of items to rescind and discussed several new policies. Mr. Tim Howard said that the changes would build consistency in that children in different areas of the state will receive the same services or treatments.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to adopt draft Policy 9020 (Balanced Approach to Juvenile Justice) and Policy 9021 (RiskBased Approach to Community Supervision and Treatment) and rescind Policy 20-308 (Use of Community Residential Facilities and Non-Residential Programs) and Policy 20-502 (Planning for Parole Supervision). Motion carried.

B. Rescission of Board Policies Covered by Regulations or Statute

Mr. Carignan provided the Board a summary of the rationale for recommending the rescission of certain policies currently in effect and the relevant standards or statewide policies that cover the same material. He said that the rescission of these policies would not impact the operation of the agency in any way. Mr. Feng wanted to make sure that no policies were rescinded or eliminated that were more restrictive than the statutes. Mr. Maddra said he was confident that only duplications were being addressed and commended Mr. Carignan for taking on this task.

On MOTION duly made by Mr. Feng, seconded by Mr. Sparks, to rescind the policies as listed in the memorandum from Director Jones to include Policies 02-025, 02-026, 02-045, 08-007, 10-003, 10-005, 20-310, 20-316, 20401, 20-402, 20-402.01, 20-403, 20-404, 20-406, 20-415, 20-417, 20503, 20-508, 20-509, 18-008.2, and 20-416. Motion carried.

C. Public Hearing on Residential Standards

Mr. Carignan discussed the public comment portion for two policies - Residential Facilities and Monitoring Process. He introduced Erica Johnson who gave a

summary of actions taken for the proposed public comment. The comment period for regulations on the certification process and the residential standards ends October 9, 2002. Packets on the regulations were sent to all superintendents of detention homes, juvenile correctional centers, and court service unit directors. Ms. Johnson will send another email to encourage people to send comments. Mr. Carignan will provide the Board with the comments and include Department recommendations at a future meeting. He said that procedures are the Department's responsibility and that standards are the Board's responsibility. Public comments are accepted either orally or in writing.

VIII. DIRECTOR'S COMMENTS

Director Jones welcomed everyone to Culpeper Juvenile Correctional Center. He said the House and Senate Committees on Public Safety will hold a meeting at Culpeper on September 12. DJJ will provide an in-depth presentation on the changes at Culpeper and the budget cuts affecting DJJ.

The Director echoed the compliments pertaining to Hanover and Ms. Havens and noted that her leadership at that facility came at a very important and critical time in the life of the institution. He said the best audit in the history of the institution took place against a backdrop of difficulties for DJJ and the institution - escalating population, shrinking budgets, challenges on day-to-day basis because of aged facility, etc. He thanked Ms. Havens for all she has done at Barrett and Hanover, and said he expected another 25 years of service out of her.

Director Jones discussed what has confronted DJJ since the last meeting. DJJ is facing a significant budget shortfall; the impact of which will have far reaching implications for the future of DJJ. The forecasting committee is working hard to adequately forecast increased population at a time of reduced budget allocation. The Governor charged every agency to give each secretary plans for additional 7%, 11%, and 15% reductions over and above what has already been implemented - a very difficult task. Actually, DJJ will suffer an overall 25% reduction. In making recommendations for cuts, DJJ had to evaluate not only exactly what it is that we are charged to do under the Code of Virginia but also what are our legal and moral obligations to youth and families we serve. The Director said he was not at liberty to discuss the specific recommendations, but he assured the Board that DJJ can provide a safe and secure system of institutions that we are charged by law to provide.

Director Jones addressed the Tidewater Environmental Program (TEP) (Boat program) news article. He said Angela Valentine was a key player in making sure DJJ was on top of the situation and in removing our wards from the Boat. The contract was expected to expire that week. However, because of the budget, we were instructed to cease and desist all contract and renewals. All of the wards have been relocated. Mr. Tim Howard and Director Jones met with the CEO of AMI (parent of TEP) who explained how AMI was addressing the situation.

Director Jones explained that a JLARC commission mailed a questionnaire to DJJ and the Chair to gather information on all functioning boards and commissions. Part of DJJ's budget reduction is to recommend fewer Board meetings - four per year. Mr. Wilkins asked that copies of the JLARC report be mailed to absent Board members (Messrs. Lozano and Vogel).

Mr. Bria was recognized by Director Jones. Mr. Bria introduced Carla White and Julius Day. (A moment of silence was observed at noon in honor of the events of September 11, 2001.) A typical Wednesday at Culpeper was discussed. Director Jones said when Culpeper's plan was put into operation, only 72 residents were expected. He said Mr. Bria is dealing with problems facing other superintendents across the system. Mr. Maddra asked if adding beds in the future would be considered due to the budget crunch and about the plans to turn Culpeper into a female facility. Director Jones said, out of necessity, consideration will be given to a reduction of bed capacity overall statewide and how each facility will be programmed. He said every possible scenario for each budget reduction is being considered.

IX. COMMENTS OF BOARD

Mr. Sparks welcomed Ms. Downing and said he is looking forward to her help. He said he has visited several CSU and VJCCCA offices. People seemed to appreciate his interest. He encouraged other Board members to go out to the facilities and say hello.

Mr. Feng thanked Mr. Bria and staff for their hospitality.

Mr. Maddra proposed that the October 9 meeting be cancelled because there are so few items on the agenda. Board members agreed to the cancellation. The next meeting will be on November 13 in Richmond. Mr. Maddra said he was shocked to read the article on the Boat program. He said he was glad that Mr. Howard and Ms. Valentine reacted so quickly to a bad situation. He felt they did a great job in having DJJ shine in the public's eye. He thanked Mr. Bria and staff for their hospitality at the meeting and appreciated being able to visit. He welcomed Ms. Downing to the Board.

Ms. Downing said she was very appreciative of the welcome and looked forward to being part of the Board. She said it was interesting to see this aspect of the juvenile process.

Mr. Wilkins complimented Director Jones on his letter to DJJ staff. He said he thought the letter was the finest he had ever seen and encouraged the Director to keep up his efforts. He requested that the letter be emailed to the Board members. He said the classification report was a very productive management tool as it addresses critical problems with wards. He congratulated the staff and agency for a job well done.

The Board members discussed holding only four meetings a year. It was agreed the Board will select the months to hold meetings in November.

X. EXECUTIVE SESSION

An Executive Session was not called.

XI. ELECTION OF OFFICERS

On MOTION duly made by Mr. Sparks, seconded by Mr. Maddra, to nominate Mr. Feng as Chairman of the Board of Directors. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Sparks, to nominate Mr. Maddra as Vice Chairman of the Board of Directors. Motion carried.

On MOTION duly made by Mr. Maddra, seconded by Mr. Feng, to nominate Mr. Sparks as Secretary of the Board of Directors. Motion carried.

New officers elected at the meeting were: Kenneth Feng - Chairman, A. V. Maddra - Vice Chairman, and Richard Sparks, Jr. - Secretary.

Mr. Maddra thanked Mr. Wilkins for the fantastic job he has done as Chairman.

Mr. Feng thanked Mr. Wilkins for his work and moving the meetings forward. He said Mr. Wilkins left some tough shoes to fill. He thanked the Board members for their support and said he was looking forward to working with DJJ staff.

XII. LUNCH

The meeting required working through lunch.

XIII. ADJOURN

On MOTION duly made by Mr. Sparks, seconded by Mr. Maddra, to adjourn the meeting at 12:30 PM. Motion carried.

Respectfully submitted,

/s/ Patricia F. Rollston

Patricia F. Rollston